

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2015

CORAM :

THE HONOURABLE MS. JUSTICE K.B.K.VASUKI

C.M.A. No. 1095 of 2009

Ramachandran ... Appellant/Claimant

vs.

1. Muthukannu
2. M/s. Iffco Tokio General Insurance Co. Ltd.,
28, 1st and 2nd floor
North Usman Road
T. Nagar, Chennai - 600 017. ... Respondents/Respondents

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Decree and Judgment made in M.C.O.P No.407 of 2006 dated 12.01.2009 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Perambalur.

For appellant : Mr. S. Kamadevan
For respondents : No Appearance

JUDGMENT

The claimant is the appellant herein. The appeal is filed seeking enhancement of the compensation of Rs.53,500/- awarded by the Tribunal to the appellant injured.

2. The quantum of compensation awarded by the Tribunal under various heads is as follows :-

Sl. No.	Heads	Amount granted
1	Disability for 28%	Rs. 28,000.00
2.	Pain and Sufferings	Rs. 10,000.00
3.	Extra Nourishment	Rs. 5,000.00
4.	Medical Expenses	Rs. 10,500.00
	Total	Rs. 53,500.00

The learned counsel for the appellant would find fault with the Tribunal, in awarding such a low amount of Rs.28,000/- for 28% disability sustained by the petitioner. It is contended before this Court that as per the judgment of the Division Bench, the degree of compensation towards disability ought to have been fixed at the rate of Rs.2000/- per degree, instead of Rs.1000/-.

3. This Court finds the claim so made herein deserves merit and consideration. Though notice is duly served on the respondents/ owner and the insurer in this appeal, neither of them chose to appear and contest this appeal. On the other hand, the appellant is able to convince this Court that the compensation awarded for disability is too low and the same is hence enhanced to Rs.56,000/-, at the rate of Rs.2000/- per degree for disability and the compensation awarded is correspondingly increased to Rs.81,500/- rounded off, to Rs.82,000/-. The compensation awarded by the trial court is confirmed in other respects.

4. In the result, the compensation amount is enhanced from Rs.52,500/- to Rs.82,000/- and the Award of the Tribunal is confirmed in other aspects. The respondent insurance company is directed to deposit the entire award amount, with interest and costs, after deducting the amount that has already been deposited by them, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant claimant is permitted to withdraw the entire award amount with the accrued interest and costs by filing separate cheque petition before the Tribunal. The Civil Miscellaneous Appeal is allowed accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

avr

To

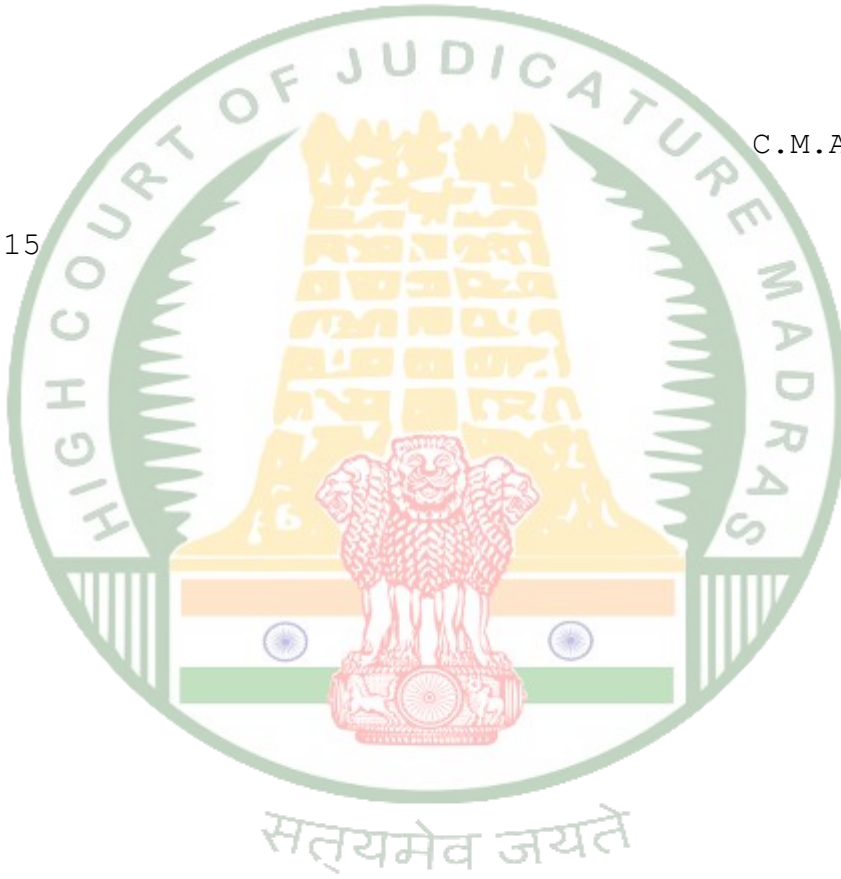
The Motor Accident Claims Tribunal
Chief Judicial Magistrate, Perambalur.

copy to:

The Section Officer,
VR Section, HighCourt,
Madras

C.M.A.No.1095 of 2009

bvr(co)
aa13/10/2015



WEB COPY